

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of AKILEON FISHER and  
TREASURE FRAZIER, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JEANINE T. FISHER,

Respondent-Appellant.

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UNPUBLISHED

June 7, 2007

No. 273113

Genesee Circuit Court

Family Division

LC No. 01-113958-NA

Before: Zahra, P.J., and Bandstra and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children were placed into foster care in January 2005 and adjudication occurred in March 2005 based on allegations that respondent failed to obtain treatment for her mental health issues as well as Akileon's mental health issues. Respondent's treatment plan included a psychological evaluation, psychiatric evaluation, parenting classes, and mental health services. She was also expected to maintain suitable housing, pay her bills, and participate in random drug screens. As of the termination trial on August 23, 2006, she failed to comply with nearly every aspect of her court-ordered treatment plan.

Respondent argues that she was not provided adequate services in light of her low I.Q. level. Under *In re Terry*, 240 Mich App 14, 24-26; 610 NW2d 563 (2000), the failure to accommodate a parent's disability could provide a basis for the trial court to find that reasonable efforts were not made to reunite the family. However, a claim that the agency failed to provide such services must be raised well before a dispositional hearing regarding termination of parental rights, and the failure to timely raise the issue constitutes a waiver. *Id.* at 25-27.

At an April 28, 2006, statutory review hearing, respondent's attorney indicated that respondent's I.Q. was only 66 and that she needed "extra assistance from DHS." This was 16 months after the children were brought into care. Additionally, respondent failed and refused to

comply with requests that she submit to psychological and psychiatric evaluations. Had she done so, there may have been a determination that she qualified for additional services. The record reveals that petitioner made reasonable efforts to reunite the family.

Having found the foregoing subsections proven by clear and convincing evidence, the trial court was obligated to terminate respondent's parental rights unless it appeared, on the whole record, that termination was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although respondent and the children loved each other and shared a bond, the worker believed that it was in the children's best interests to terminate respondent's parental rights because the children needed stability. Respondent was not capable of providing for the children's medical and emotional needs. At the time of trial, they were in an environment where they knew they would be provided for. This was the second time that Akileon was made a ward of the court. He and Treasure spent the better part of their lives under court supervision. They were entitled to permanence and stability.

We affirm.

/s/ Brian K. Zahra  
/s/ Richard A. Bandstra  
/s/ Donald S. Owens